

**In the  
Indiana Supreme Court**

<b>STATE OF INDIANA</b>	)	<b>Supreme Court No. 45S00-0605-SJ-170</b>
	)	
<b>vs.</b>	)	
	)	<b>Case No. 45D08-0602-FD-59</b>
<b>FRANK BEDNARZ</b>	)	<b>in the Lake Superior Court</b>

**ORDER REMANDING JURISDICTION TO TRIAL COURT**

Comes now the Clerk of the Lake Superior Court, and petitions this Court for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Lake Superior Court and Judge Sheila M. Moss for the appointment of a special judge pursuant to local rule. The Chronological Case Summary reflects that his case was last before Judge Moss. On April 10, 2006, the defendant requested that case transferred, but the selected judge declined to accept the case. The Chronological Case Summary does not set forth facts establishing that the appointment of a special judge cannot be accomplished pursuant to local rule. Ind. Criminal Rule 13(C) provides that in counties where four or more judges receive assignment of felony or misdemeanor cases, upon the recusal of a judge, a successor judge shall be assigned in the same manner as the initial judge.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Lake Superior Court and Judge Moss for the appointment of a special judge pursuant to local rule.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Sheila M. Moss, Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307-1854, and to the Clerk of the Lake Superior Court.

The Clerk of the Lake Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this \_\_\_\_\_ day of May, 2006.

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Randall T. Shepard  
Chief Justice of Indiana